IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11978 of 2006

Dated: July 20, 2006

Between:

Fisherman Cooperative Society, Anajipuram, Pen Pahad Mandal, Nalgonda District, represented by its President, Kasaboina Laxmaiah, S/o. Venkaiah, Hindu, aged about 65 years, R/o. Anajipuram, Pen Pahad Mandal, Nalgonda District.

… Petitioner

And

The Commissioner of Fisheries, Mastya Bhavan, Santhi Nagar, Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not issuing fishing order for the current year 2005-06 to the petitioner as illegal and arbitrary and also contrary to G.O.Ms.No.776 dated 31-12-1990.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

3. The case of the petitioner, a Fishermen Cooperative Society

registered in the year 1982 under the Andhra Pradesh Cooperative Societies Act, 1964 ('the Act' for brevity), is that fishermen cooperative societies have preferential right for exploiting fish as per the rules framed in G.O.Ms.No.776 dated 31-12-1990. It is stated that though the petitioner society has complied all the requisite conditions for grant of leasehold rights, the respondents are not issuing fishing orders without assigning any valid reason.

4. At the stage of admission, this Court by order dated 16-06-2006 directed Respondent Nos. 2 and 3 to consider the request of the petitioner and pass appropriate orders.

5. It is alleged that pursuant to the orders of this court, the Fisheries Development Officer passed orders dated 28-06-2006 allowing the petitioner society to exploit fish only upto the end of the fishing year, i.e. upto 30-06-2006. It is the case of the petitioner that the orders for exploiting fish were given on 28-06-2006 and time was granted only upto 30-06-2006, depriving the petitioner society of reasonable time for exploiting fish. As such, the petitioner seeks directions for extension of the period for exploiting fish.

6. Learned Government Pleader, on instructions, submits that though the petitioner society comprises of about 115 members, the members of the Managing Committee are not distributing the profits derived among all the members equally; hence, nearly 100 members are demanding to convene an Annual General Meeting.

7. It is stated that there are disputes among the members regarding distribution of profits and if few members of the Managing Committee are allowed to exploit fish, the same may lead to law and order problem. In that view of the matter, I dispose of the writ petition directing the Fisheries Development Officer, Suryapet, to extend the lease period

for exploiting fish by two more weeks. However, the exploitation of fish and the arrangement for its sale shall be under the total control and supervision of the Fisheries Development Officer alone, who shall also fix the dates for exploitation of fish and inform the members of the society for such exploitation. The members of the society shall exploit the fish as per the directions of the Fisheries Development Officer. The arrangements for sale of such fish shall be made by the Fisheries Development Officer in consultation with the Assistant Director of Fisheries in presence of the five of the members of the society chosen by the Fisheries Development Officer. The sale-proceeds shall be distributed among the members of the society by the Fisheries Development Officer by taking appropriate directions from the Assistant Director of Fisheries.

8. The writ petition is disposed of with the foregoing directions. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

July 20, 2006
MRR